

December 22, 2014 (/full-blog/singleton)

Louisville Will Soon See an End of Plastic Bag Usage for Yard Waste Collection (/full-blog/singleton)

Natural Resource (/full-blog?category=Natural+Resource)

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While California is “executing the nation’s first statewide prohibition against grocery stores providing single-use plastic bags,” Jefferson County, Kentucky has adopted a regulation banning the use of most plastic bags for yard waste collection as a means of addressing litter and landfill concerns.[i] On Tuesday, May 6th, 2014 the Louisville and Jefferson County Metro Government Waste Management District’s board voted unanimously (4–0) to approve a regulation banning most plastic bags for yard waste collection.[ii] The resolution approved by the waste management board adopted Yard Waste Container Regulation 51.507R, which states, “Containers for the collection of yard waste shall meet the requirements of LMCO Chapter 51.507. As an alternative yard waste may be set out in paper yard waste bags or certified compostable bags meeting ASTM D6400 standards.”[iii] In an effort to educate citizens before the regulation becomes effective on January 1, 2015, the Louisville Public Works website provides essential information including the types of acceptable containers, how yard waste will be collected, and links to other useful resources on the subject.[iv]



(<http://www.courier-journal.com/story/tech/science/environment/kentuckiana-green/2014/03/20/plastic-bag-yard-waste-ban/6651385/>)

Yard waste has been banned from landfills in Jefferson County since 1994, but when yard waste has been spoiled with plastic bags, and is no longer capable of being composted at the composting facility, the regulation has permitted the yard waste to be dumped in landfills as an alternative daily cover.[v] Daily cover is a six- to twelve-inch layer of soil or other approved material, such as yard waste, that is laid on top of a day’s deposits of waste in a landfill to reduce odors and keep litter from scattering.[vi] By using yard waste as an

alternative daily cover, the purpose of separating yard waste and garbage is defeated.[vii] This is not the only reason, however, that led the waste management board to regulate yard waste containers to

abate plastic bags. Plastic bags make yard waste incapable of being used as compost or mulch because plastic does not decompose. Thus, the yard waste contaminated with plastic bags end up in a landfill and significantly increases the processing costs of waste management. [viii] Opponents of the ban suggest that the yard waste be removed from plastic bags during collection. However, this suggestion significantly increases the time and cost necessary to collect yard waste by requiring overtime and additional staff, increases the risk to workers removing the yard waste from plastic bags in streets, increases the pollution from collection by vehicles running longer hours.[ix] Additionally, the plastic bags that are separated have a tendency to blow away, which itself creates litter and a safety hazard if blown into line of traffic.[x] Furthermore, some suggest that plastic bags can be removed at the compost facility, but this argument fails no better since facilities are overwhelmed with the volume of incoming materials.[xi] While technology is unable to remove all plastic from yard waste contaminated with plastic bags, hand removal can be inefficient and dangerous, and, as a practical matter, removing plastic from branches and stick is not easily done.[xii]

Yard Waste Container Regulation 51.507R not only benefits the entire community from less landfill deposits, but it has a practical effect by saving citizens resources at the outset. The Waste Management District board released a cost analysis of the cost of reusable containers and the cost of plastic bags over a five-year period.[xiii] A reusable container costing \$20.00 will have a cost per use of \$0.63 the first year of use, but will ultimately have a cost per use of \$0.13 after five years of use. [xiv] However, a single-use plastic bag, with a cost per use of \$0.30, will have an overall cost of \$9.60 the first year of use, but will have a significant cost of \$48.00 after five years of use (\$28.00 more over a five year period than the \$20.00 reusable container).[xv] This regulation may also encourage citizens to mulch and compost their own clippings to avoid the cost of approved containers and bags entirely, which would save waste management resources while providing a direct and obvious benefit to the individual.[xvi]

Initially, the waste management board was criticized for bypassing the Metro Council, which may lead the waste management board to be faced with the possibility of a legal challenge.[xvii] However, the waste board acted within its authority to pass regulations involving waste management.[xviii] Some opponents of the regulation argued that individuals would not comply with the regulation and expressed concerns about the cost of paper bags and reusable containers.[xix] Nevertheless, the issue with yard waste being contaminated with plastic bags is not novel and many individuals in Jefferson County have voluntarily relinquished the use of plastic bags for the more economical and environmentally friendly alternative.[xx] As for those who have not adopted the environmentally conscious alternative, an article from December 4, 2012 describes the fact that a lack of regulations regarding plastic bags and yard waste causes a wave of individuals to do as they see their neighbors do, whether or not it is cost-effective or beneficial to the community.[xxi] Even though this may be a relatively new area of regulation for cities in Kentucky, many other cities including Columbus, Ohio, Nashville, Tennessee, and Minneapolis, Minnesota, have made the movement toward being environmentally responsible for plastic bags, at least with respect to yard waste.[xxii]

[i] Elexis Wolis, *California is Waging War on Plastic Bags*, The Ky. J. Equine, Agric., & Nat. Resources L. (Oct. 17, 2014), <http://www.kjeanrl.com/full-blog/2014/10/17/wolis; California Governor Signs Law to Ban Plastic Bags>, NBC News (Sept. 30, 2014), <http://www.nbcnews.com/science/environment/california-governor-signs-law-ban-plastic-bags-n21491>; James Bruggers, *Louisville board bans plastic bags for yard waste*, The Courier–Journal (May 6, 2014, 8:04 PM), <http://www.courier-journal.com/story/tech/science/environment/2014/05/06/louisville-board-bans-plastic-bags-yard-waste/8786027/>.

[ii] James Bruggers, *GOP concedes plastic-bag ban is legal*, The Courier–Journal (May 9, 2014, 9:51 AM), <http://www.courier-journal.com/story/tech/science/environment/2014/05/08/plastic-bag-ban-yard-waste-louisville/8853883/>.

[iii] Resolution Adopting Regulation 51.507R, Louisville/Jefferson County Metro Government Waste Management District, <http://louisvilleky.gov/file/yardwasteresolutiondoc> (last visited Nov. 18, 2014).

[iv] See LouisvilleKy, <http://louisvilleky.gov/government/public-works/yard-waste> (last visited Nov. 18, 2014); James Bruggers, *City prepares for yard-waste plastic bag ban*, The Courier–Journal (Oct. 9, 2014, 1:24 PM), <http://www.courier-journal.com/story/news/local/2014/10/08/leaf-season-alternatives-yard-waste-plastic-bags/1687965/>.

[vi]); James Bruggers, *City prepares for yard-waste plastic bag ban*, The Courier–Journal (Oct. 9, 2014, 1:24 PM), <http://www.courier-journal.com/story/news/local/2014/10/08/leaf-season-alternatives-yard-waste-plastic-bags/16879655/>; James Bruggers, *Plastic bag ban less than two months away*, The Courier–Journal (Nov. 3, 2014, 9:58 AM), <http://www.courier-journal.com/story/watchdog-earth/2014/11/03/yard-waste-plastic-bag-ban/18405171/>;

[vii] See *Typical Anatomy of a Landfill*, Waste Management, http://www.wm.com/about/community/pdfs/Anatomy_of_a_Landfill.pdf (last visited Nov. 18, 2014).

[viii] Yard Waste Container Regulation 51.507R, Louisville, Jefferson County Metro Government Waste Management District, 2 (2014), http://louisvilleky.gov/sites/default/files/solid_waste/pdf_files/yardwasteeducationpowerpoint482014.pdf.

[ix] *Id.* at 3.

[x] *Id.* at 4.

[xi] *Id.*

[xii] *Id.* at 5.

[xiii] *Id.*

[xiv] *Id.* at 8.

[xv] *Id.*

[xvi] *Id.*

[xvii] James Bruggers, *GOP concedes plastic-bag ban is legal*, The Courier–Journal (May 9, 2014, 9:51 AM), <http://www.courier-journal.com/story/tech/science/environment/2014/05/08/plastic-bag-ban-yard-waste-louisville/8853883/>.

[xviii] *Id.*

[xix] *Id.*

[xx] James Bruggers, *City prepares for yard-waste plastic bag ban*, The Courier–Journal (Oct. 9, 2014, 1:24 PM), <http://www.courier-journal.com/story/news/local/2014/10/08/leaf-season-alternatives-yard-waste-plastic-bags/16879655/>.

[xxi] James Bruggers, *Plastic yard waste bags can discourage others to do the right thing*, The Courier–Journal (Dec. 4, 2012), <http://blogs.courier-journal.com/watchdogearth/2012/12/04/plastic-yard-waste-bags-can-discourage-others-to-do-the-right-thing/>.

[xxii] See *Yard Waste Collection*, Columbus, <http://columbus.gov/yardwaste/> (<http://columbus.gov/yardwaste/>) (last visited Nov. 18, 2014); *Brush and Leaf Collection*, Nashville, <http://www.nashville.gov/Public-Works/Neighborhood-Services/Yard-Waste-Composting/Brush-Yard-Waste-Collection.aspx> (<http://www.nashville.gov/Public-Works/Neighborhood-Services/Yard-Waste-Composting/Brush-Yard-Waste-Collection.aspx>) (last visited Nov. 18, 2014); *Yard Waste Collection*, Minneapolis, http://www.ci.minneapolis.mn.us/solid-waste/yardwaste/solid-waste_yardwaste (http://www.ci.minneapolis.mn.us/solid-waste/yardwaste/solid-waste_yardwaste) (last visited Nov. 18, 2014).

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